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7 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
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10 UNITED STATES OF AMERICA,) Case No.: 2:15-mj-522-NJK
Plaintiff,)
11 vs.) STIPULATION TO CONTINUE
PRELIMINARY HEARING
12 TYRONE PAUL PONTHEIUX,) (Third Request)
Defendant.)
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15 IT IS HEREBY STIPULATED AND AGREED, by and between the United
16 States, by and through Daniel G. Bogden, United States Attorney, and Steven W.
17 Myhre, Assistant United States Attorney, and Defendant Tyrone Pontheiux, by and
18 through his counsel, William H. Gamage, Esq., that the Preliminary Hearing in this
19 matter currently scheduled for August 31, 2015, at the hour of 4:00 p.m., be vacated
20 and continued for at least fourteen (14) days, or to a date thereafter convenient to the
21 Court.

22 The parties stipulate as follows:

23 1. The parties are engaged in plea negotiations and require additional time
24 to attempt to resolve the case short of indictment or a preliminary hearing. In

1 connection with these negotiations, defense counsel requires additional time to review
2 discovery produced in the case.

3 2. The defendant is incarcerated and does not object to the continuance.

4 3. The additional time requested herein is not sought for purposes of delay,
5 but merely to allow counsel for the government and the defendant sufficient time to
6 attempt to resolve this matter.

7 4. Denial of this request for continuance would deny counsel for the
8 defendant sufficient time to effectively and thoroughly review discovery and complete
9 negotiations, taking into account the exercise of due diligence.

10 5. Denial of this request for continuance could result in a miscarriage of
11 justice.

12 6. The additional time requested by this Stipulation is excludable in
13 computing the time within which the trial herein must commence pursuant to the
14 Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the
15 factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and
16 3161(h)(7)(B)(iv).

17 7. This is the third request for a continuance of the preliminary hearing in
18 this matter.
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WHEREFORE, the parties respectfully request that the Court accept this Stipulation and enter an **Order**, vacating the current Preliminary Hearing setting of August 31, 2015, and continuing it to a date fourteen (14) days or more thereafter, at a date and time convenient to the Court.

Dated: August 26, 2015

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYRONE PAUL PONTHEUX,

Defendant.

Case No.: 2:15-mj-522-NJK

**ORDER TO CONTINUE
PRELIMINARY HEARING**

This matter coming on the parties' Stipulation to Continue Preliminary hearing, the premises therein considered, and good cause showing, the Court finds as follows:

1. The parties are engaged in plea negotiations. The defendant requires additional time to review discovery and attempt to resolve the case short of indictment or a preliminary hearing.

2. The defendant is incarcerated and does not object to the continuance.

3. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for the government and the defendant sufficient time to attempt to resolve this matter.

4. Denial of this request for continuance would deny counsel for the defendant sufficient time to effectively and thoroughly review discovery and complete negotiations, taking into account the exercise of due diligence.

1 5. Denial of this request for continuance could result in a miscarriage of
2 justice.

3 6. The additional time requested by the parties' Stipulation is excludable in
4 computing the time within which the trial herein must commence pursuant to the
5 Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the
6 factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and
7 3161(h)(7)(B)(iv).

8 It is therefore **ORDERED**:

9 1. The Preliminary Hearing currently set for August 31, 2015, at 4:00 p.m.,
10 is vacated and continued to September 21, 2105 at 4:00 p.m. in Courtroom 3D.

11 2. All time from the entry of this Order until the scheduled Preliminary
12 Hearing is excluded from the Speed Trial Act under 18 U.S.C. § 3161(h)(7)(A) as the
13 ends of justice outweigh the interest of the public and the defendant in a speedy trial,
14 the Court having considered the factors delineated in 18 U.S.C. § 3161(h)(7)(B).

15 **IT IS SO ORDERED**, this 26th day of August, 2015.

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19 NANCY J. KOPPE
20 United States Magistrate Judge
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